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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/564,467	01/08/2007	Takashi Tsuchiro	064235-0023	8969
20277 7590 12/22/2010 MCDERMOTT WILL & EMERY LLP 600 13TH STREET, N.W. WASHINGTON, DC 20005-3096				
EXAMINER KOROBOW, VITALIA				
ART UNIT 2455		PAPER NUMBER		
MAIL DATE 12/22/2010		DELIVERY MODE PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/564,467

Applicant(s)

TSUNEHIRO ET AL.

Examiner

VITALI KOROBOK

Art Unit

2455

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 October 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 16-18 and 22-29 is/are pending in the application.
- 4a) Of the above claim(s) 1 and 16-18 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 22-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 1 and 16-18 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-945)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date See Continuation Sheet
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

Continuation of Attachment(s) 3). Information Disclosure Statement(s) (PTO/SB/08), Paper No(s)/Mail Date :01/13/06, 05/25/06, 11/29/07, 05/27/08.

DETAILED ACTION

1. This Office Action is in response to the documents filed by the Applicants on 10/08/2010 in response to an Election Requirement issued on 09/09/2010. From the pending claims 1, 16-18 and 22-29, the Applicants elected for prosecution claims 22-29, readable on Species 2, without traverse. Therefore, claims 1 and 16-18 are withdrawn from consideration. Accordingly, claims 22-29 are currently pending and have been examined in this Office Action.

Paper Submitted

2. It is hereby acknowledged that the following papers have been received and placed of record in the file: **Information Disclosure Statements** as received on 01/13/06, 05/25/06, 11/29/07 and 05/27/08 were considered and made of record.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 29 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 29 comprises a limitation directed to "attribute information similar to the attribute information of the computer PCBA". The term "similar" in claim 29 is a relative term which renders the claim indefinite. The term "similar" is not defined by the claim,

the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 22-29 are rejected under 35 U.S.C. 102(e) as being anticipated by the U.S. Patent Application Publication No. 2003/0105903 by Garnett et al., hereinafter Garnett.

Regarding claim 22, Garnett teaches a computer system, comprising: a computer device comprising a plurality of computer printed circuit board assemblies (PCBAs) ([0038] - blade servers); a plurality of terminal devices coupled to the each computer PCBA over a network (Fig. 1 - users 5 coupled to blade servers 9 over network 3); a storage device that has a plurality of storage areas and coupled to the each computer PCBA over the network ([0038] and Fig. 1 - NAS 15); and a management computer that manages the one or more computer PCBAs and the storage device ([0052] - CSSP), wherein the management computer: (a) manages correspondence between user

information and a storage area ([0148] - management interface to CSSP), (b) selects a usable computer PCBA from the plurality of the computer PCBAs in response to a request for use of a computer PCBA including terminal device user information received from any one of the terminal devices ([0222] - packets received from user routed therethrough to a selected server 505. [0247] - user provides cookies are used to maintain a session state between a client and a server), (c) causes a start process of the selected computer PCBA to start ([0128] - Blade Service Controller (BSC) stores boot information), and (d) notifies the one terminal device of information of the started computer PCBA and identification information on the network allocated to the started computer PCBA ([0247] - user provides cookies are used to maintain a session state between a client and a server); and wherein the selected computer PCBA retrieves information necessary for the start process from the storage area corresponding to the terminal device user information in the plurality of the storage areas of the storage device, and performs the start process based on the retrieved information ([0247] - retrieval of "shopping cart" information).

Regarding claim 23, Garnett teaches the computer system according to claim 22, wherein the management computer: predetermines correspondence between the user information and information specifying the selected computer PCBA, and refers to the correspondence predetermined when selecting the computer PCBA ([0247] - state is maintained).

Regarding claim 24, Garnett teaches the computer system according to claim 22, wherein the management computer: manages correspondence among user information,

information specifying the selected computer PCBA, and running information indicating whether the each computer PCBA is in a suspended mode, searches the correspondence based on the user information included in the received request for use, and, when a computer PCBA in the suspended mode is associated with the received user information, instructs the associated computer PCBA to return from the suspended mode ([0197] - management of active/standby connections).

Regarding claim 25, Garnett teaches the computer system according to claim 24, wherein the management computer updates the running information of the associated computer PCBA, with respect to the correspondence, according to a return process of the computer PCBA instructed to return ([0220] - active connections maintenance).

Regarding claim 26, Garnett teaches the computer system according to claim 22, wherein the management computer: (1) manages correspondence among user information, information specifying the selected computer PCBA, and running information indicating whether each computer PCBA is in a hibernation mode ([0197] - management of active/standby connections) and (2) manages whether each computer PCBA is in hibernation mode, and wherein the management computer determines, when receiving the request for use of a computer PCBA, whether the computer PCBA is usable, based on the correspondence, whether the each computer PCBA is in hibernation mode, and the user information included in the request for use ([0247] - user provides cookies are used to maintain a session state between a client and a server).

Regarding claim 27, Garnett teaches the computer system according to claim 22, wherein the management computer: manages whether each computer PCBA is suspended, checks whether each computer PCBA is suspended, based on the user information included in the received request for use, selects, when a suspended computer PCBA is associated with the user information received, the associated computer PCBA, and controls the start process so that the selected computer PCBA performs a return process from the suspended state ([0197] - management of active/standby connections. [0247] - user provides cookies are used to maintain a session state between a client and a server).

Regarding claim 28, Garnett teaches the computer system according to claim 25, wherein the management computer further: manages correspondence among attribute information, running status, and user information of each computer PCBA; and selects, by reference to the correspondence, another computer PCBA having attribute information the same as the attribute information of a computer PCBA selected before hibernation, when the computer PCBA associated with the user information received is not usable ([0249]).

Regarding claim 29, Garnett teaches the computer system according to claim 28, wherein the management computer allocates, by reference to the correspondence, a computer PCBA having attribute information similar to the attribute information of the computer PCBA selected before the hibernation mode, when said another computer PCBA is not selectable ([0249]).

5. **Examiner's note:** Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the

applicant. Although the specified citations are representative of the teachings of the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Applicant is reminded that in amending in response to a rejection of claims, the patentable novelty must be clearly shown in view of the state of the art disclosed by the references cited and the objection made. Applicant must show how the amendments avoid such references and objections. See 37 CFR § 1.111(c).

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vitali Korobov whose telephone number is 571-272-6384. The examiner can normally be reached on Mon-Friday 8a.m. - 4:30p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on (571)272-3880. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

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you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Vitali Korobov/
Examiner, Art Unit 2455
12/20/2010

/Shawki S Ismail/
Primary Examiner, Art Unit 2455